



U.S. Department of Justice

United States Attorney
Southern District of New York

50 Main Street, Suite 1100
White Plains, New York 10606

February 7, 2023

BY ECF & EMAIL

The Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Curcio hearing set for 2/27/23 at 2:30 pm. Either side may submit proposed questions, no later than 2/22/23. The time between today and 2/27/23 is hereby excluded under the Speedy Trial Act in the interests of justice. The ends of justice served by the exclusion outweigh the best interests of the public and the defendant in a speedy trial because the time will allow the defendant to prepare for the hearing and permit the parties to discuss a possible disposition without trial.

Re: *United States v. Daniel Resnick, 22 Cr. 682 (CS)*

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

2/8/23

Dear Judge Seibel:

The Government writes to update the Court about the conflict of interest identified in our January 24, 2023 letter. (Dkt. 45). The Government understands from defense counsel, Kerry Lawrence, that the defendant has discussed the conflict with independent counsel and wishes to waive the conflict. Both parties believe that the conflict is waivable. We therefore request that the Court hold a conference, at which the parties can provide additional information to the Court and the Court can hold a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982). Having conferred with Your Honor's courtroom deputy, we understand that the parties and the Court are available on February 27, 2023 at 2:30 p.m. for that conference. The Government will provide proposed questions for a *Curcio* hearing for the Court's consideration in advance of the conference.

The Government respectfully requests that the Court exclude time under the Speedy Trial Act until the requested conference, to permit the defendant to prepare for the *Curcio* hearing and to permit the parties to finalize a potential resolution of this case. The defense consents to the requested exclusion of time.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

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Cc: Kerry Lawrence, Esq.